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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,722	05/08/2001	Theodore F. Rabenko	41748/CAG/B600	3641
23363	7590	11/30/2004	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			STEVENS, ROBERTA A	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	

2665

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/851,722	Applicant(s) RABENKO ET AL.	
	Examiner Roberta A Stevens	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Allan (U.S. 6584096 B1).
3. Regarding claim 1, Allan teaches (col. 4, line 35 – col. 5, line 53 and fig.3) a communications system, comprising: a plurality of media terminal adapters; a telephone line; and a gateway configured to exchange voice and data packets between a network and each of the media terminal adapters over the telephone line.
4. Regarding claims 2 and 12, Allan teaches (col. 5, line 22 – 29) one of the media terminal adapter comprises a telephony device.
5. Regarding claims 3 and 13, Allan teaches (col. 5, line 22 – 29) the telephony device is a telephone.
6. Regarding claims 4 and 14, Allan teaches (col. 5, line 32 – 49) the gateway is configured to exchange the voice and data packets between the network and the media terminal adapters by converting between a first format for the voice and data packets on the network and a second

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format for the voice and data packets on the telephone line, the first and second format being different.

7. Regarding claims 5 and 15, Allan teaches (col. 5, line 22 – 49) one of the media terminal adapters comprises a telephone responsive to the voice packets having the second format.

8. Regarding claim 6, Allan teaches (col. 5, line 22 – 49) a voice processing engine configured to convert between the voice packets having the second format and an analog voice signal in the voiceband frequency. It is inherent in Allan's system that a processing engine configured to convert between the voice packets having the second format and an analog voice signal in the voiceband frequency exists because one of the home network devices (media terminal adapter) is a telephone.

9. Regarding claim 7, Allan teaches (col. 5, line 22 – 49) a telephone, and wherein one of the media terminal adapters comprises an adapter configured to exchange the voice packets on the telephone line having the second format with analog voice in a voiceband frequency. It is inherent in Allan's system that a processing engine configured to convert between the voice packets having the second format and an analog voice signal in the voiceband frequency exists because one of the home network devices (media terminal adapter) is a telephone.

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10. Regarding claim 9, Allan teaches (col. 4, line 35 – col. 5, line 53 and fig.3) the gateway comprises a first port coupled to the telephone line and a second port, and an additional media terminal adapter coupled to the second port.

11. Regarding claim 10, Allan teaches (col. 4, line 35 – col. 5, line 53) a voice and data processor configured to exchange the voice and data between the network and the additional media terminal adapter.

12. Regarding claim 11, Allan teaches (col. 4, line 35 – col. 5, line 53 and fig. 1) a method of communication, comprising: exchanging the voice and data packets between a network and a plurality of media terminal adapters coupled to the telephone line.

13. Regarding claim 16, Allan teaches (col. 4, line 35 – col. 5, line 53 and fig. 3) exchanging a second plurality of voice and data packets between the network and an additional media terminal adapter.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allan.

17. Regarding claim 8, as for the gateway comprising a cable modem, it would have been obvious to one of ordinary skill in the art to adapt to Allan's system a cable modem as they are well known in the art.

Conclusion

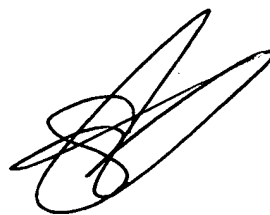
1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161.

The examiner can normally be reached on M-F 9:00am-5:30pm.

2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens
Examiner
Art Unit 2665

A handwritten signature in black ink, appearing to read 'STEVEN NGUYEN', with a stylized, overlapping loop structure.

STEVEN NGUYEN
PRIMARY EXAMINER